



CITY OF KIRKLAND
Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.587.3225
www.ci.kirkland.wa.us

CLEARWIRE CENTRAL PARK
PERSONAL WIRELESS SERVICE FACILITY
NOTICE OF APPROVAL
April 4, 2007

FILE NO. ZON06-00026

PROJECT NAME: Clearwire Central Park Personal Wireless Service Facility

PROJECT ADDRESS: 12314 NE 65th Street

APPLICANT OR AGENT: Amanda Nations, Parsons


CITY OF KIRKLAND APPROVAL DATE: Approved March 12, 2007; released on March 19, 2007

LAPSE OF APPROVAL DATE(S): A complete building permit must be submitted within one year (by March 13, 2008 or the decision becomes void. Construction must be substantially complete within two years (by March 13, 2009 or the decision becomes void (See Section VII, page 9 of Planning Official report and decision.

This NOTICE OF APPROVAL is granted subject to the attached conditions and development standards. Failure to meet or maintain strict compliance shall be grounds for revocation in accordance with the Kirkland Zoning Ordinance No. 3719 as amended.

The applicant must also comply with any federal, state or local statutes, ordinances or regulations applicable to this project. This Notice of Approval does not authorize grading or building without issuance of the necessary permits from the Kirkland Building Department.

CITY OF KIRKLAND
PLANNING AND COMMUNITY DEVELOPMENT

By: 
David Barnes
Planner

Attachments:

Conditions of Approval
Development Standards

CONDITIONS OF APPROVAL

CLEARWIRE CENTRAL PARK FILE NO: ZON06-00026

- A. This application is subject to the applicable requirements contained in the Kirkland Municipal Code, Zoning Code, and Building and Fire Code. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these ordinances.
- B. The maximum height of all antennas and or microwave dishes shall not exceed the height of proposed extension of transmission tower which is 115'-8" above grade as measured at base of transmission tower.
- C. The antennas, microwave dishes and any visible mounting brackets and/or cables shall be painted to match the electrical transmission tower color as noted in the plans.
- D. The maximum size for equipment structures in residential zones is 5 feet in height and 125 square feet in area. The maximum size in nonresidential zones is 10 feet in height and 240 square feet in area.
- E. The proposed equipment structure shall comply with the noise standards found in KZC Section 117.70.9 & 115.95.
- F. The equipment cabinet shall be screened with a solid 6-foot high wood fence. Evergreen columnar trees, 6 feet tall at time of planting, shall be installed around the outside of fence at 3 feet on center. The landscaped area shall be maintained by Clearwire or its agents in perpetuity.
- G. In the event that the landscaping and or fencing around the equipment structure are not maintained at the required level and after giving 30 days advance written notice to the applicant and/or current provider, the City may maintain or replace the landscaping and/or fencing and bill the provider for such costs until such costs are paid in full (KZC 117.35.5).
- H. All personal wireless service facilities (PWSF) must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the Federal Government with the authority to regulate PWSF. If such standards and regulations are changed, then the owners of the PWSF governed by this chapter shall bring such PWSF into compliance with such revised standards and regulations in accordance with the compliance deadlines and requirements of such standards and regulations. Failure to bring PWSF into compliance with such revised standards and regulations shall constitute grounds for the removal of the PWSF at the owner's expense (KZC 117.65.14).

I. In the event the use of any PWSF will be discontinued for a period of 60 consecutive days, the owner or operator shall so notify the City in writing, and the PWSF shall thereafter be deemed to be abandoned. Determination of the date of abandonment shall be made by the City which shall have the right to request documentation and affidavits from the PWSF owner or operator regarding the issue of PWSF usage. Upon such abandonment, the owner or operator of the PWSF or the owner of the property upon which such facility is located shall have an additional 60 days within which to:

a. Reactivate the use of the antenna or transfer the PWSF to another owner or operator who makes actual use of the PWSF; or

b. Dismantle and remove the PWSF. If such PWSF is not removed within said 60 days from the date of abandonment, the City may remove such PWSF at the facility owner's and property owner's expense.

At the earlier of 60 days from the date of abandonment without reactivation or upon completion of dismantling and removal, City approval for the PWSF shall automatically expire.

J. Prior to issuance of a building permit or right-of-way permit, the applicant shall register with the City Clerk as required by Kirkland Municipal Code Section 26.08 and submit a copy of the registration along with the submittal of a building permit or right-of-way permit for the wireless facility (see Attachment 2).

K. Prior to issuance of building permit, the applicant shall submit a signed and notarized Landscape Agreement between the property owner and the applicant. This agreement outlines the understanding of the property owner that the approved landscape buffer will need to be maintained by Clearwire and may not be modified without permission of the City of Kirkland.(see Attachment 3)

CITY OF KIRKLAND
123 FIFTH AVENUE, KIRKLAND, WASHINGTON 98033-6189 (425) 587-3225

Date: 4/3/2007

DEVELOPMENT STANDARDS

CASE NO.: ZON06-00026

PCD FILE NO.: ZON06-00026

PUBLIC WORKS CONDITIONS:

- 1) All of the service lines (power, phone, etc.) from the existing Puget Sound Energy (PSE) pole in NE 65th Street to the new equipment panel shall be buried underground (no overhead lines). In addition, all of the buried lines shall be in an easement on private property except where it is necessary to exit the private property to reach the existing PSE pole.
- 2) A Public Works Department Street Cut Permit will need to obtain for any work in NE 65th Street or 124th Ave. NE.
- 3) The plans depict the service lines from the PSE utility pole angling across 124th Ave. NE before entering the property. These lines shall enter directly into the property from NE 65th St and not angle across the 124th right-of-way.